

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6919

BILL NUMBER: SB 351

NOTE PREPARED: Dec 22, 2004

BILL AMENDED:

SUBJECT: Traffic Control Devices.

FIRST AUTHOR: Sen. Broden

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill prohibits a person from using a device to alter the lighting sequence of a traffic control signal unless the person is a public safety officer responding to an emergency or a technician installing, testing, or repairing a traffic control signal. It prohibits the sale of such devices to a nongovernmental entity. The bill makes the use of a counterfeit traffic control device or railroad crossing signal a Class A infraction instead of a Class C infraction.

Effective Date: July 1, 2005.

Explanation of State Expenditures: The bill increases from a Class C infraction to a Class A infraction for the placement, maintenance, or display upon or in view of a highway, an unauthorized sign, signal marking, or device that: (1) purports to be, is an imitation of, or resembles an official traffic control device or a railroad sign or signal; (2) attempts to direct the movement of traffic; or (3) hides from view or interferes with the effectiveness of an official traffic control device or a railroad sign or signal. The offense is a Class C misdemeanor if the person has a prior unrelated judgment for the offense.

The bill would also establish a Class A infraction for using a manually operated mobile transmitting (OPED) device to alter the lighting sequence of a traffic light. The offense would be a Class C misdemeanor if the person has a prior conviction for the offense. The bill also establishes a Class D felony for selling or offering to sell an OPED to a nongovernmental entity.

A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$21,514 in FY 2004, ranging from a low of \$16,645 to a high of \$49,281. (This does

not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$59,574, with the costs ranging from a low of \$52,420 to a high of \$77,674. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

Explanation of State Revenues: The maximum fine for a Class C misdemeanor is \$500. The maximum fine for a Class D felony is \$10,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

The maximum judgment for a Class A infraction is \$10,000, which is deposited in the state General Fund. If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

Explanation of Local Expenditures: A Class C misdemeanor is punishable by up to 60 days in jail. And if more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association, Department of Correction.

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